

ORIGINAL Cast

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

BROADCAST MUSIC, INC.,
Petitioner,

19/22 Page 1 of 2
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 10/19/22

18 Civ. 8749 (LLS)

- against -

ORDER

NORTH AMERICAN CONCERT PROMOTERS ASSOCIATION, as licensing representative of the promoters listed on Exhibit A to the Petition,

Respondent.

1.

To the extent that BMI's October 10, 2022 letter (Dkt. No. 128) seeks redactions of the final sentence in the first paragraph on page three and of the word "surprised" in the third line of the first full paragraph on page four of BMI'S October 10, 2022 letter-motion in limine, and seeks sealing of pages 235-36 and 241-43 of the David Ben Liss April 30, 2021 Videotape Deposition and Bates pages 1392-95 of the David Bastidos email communications to Ben Liss, no justifiable rationale for such redactions approaches the Lugosch standards, and the requests in that letter are denied.

2.

NACPA's October 13, 2022 letter (Dkt. No. 139) to the Court seeks to redact from its letter-motion (Dkt. No. 140) the words "standard association discount" in the first paragraph on page

three and the words "provides desirable 'license-in-effect' protection that BMI is unwilling to provide, making the ASCAP license more valuable than a BMI license, at least in that respect," "this feature of the ASCAP license is not valuable and requires no adjustment," and "equivalent protection" in the second full paragraph on page three. Those proposed redactions are not shown to be highly secret and are denied.

The pages NACPA sealed from the April 30, 2022 David Ben Liss Videotape Deposition (Ex. A) are to be unsealed in toto.

The contents of Ex. C may remain under seal pending the determination of whether its subject matter is to be excluded under Rules 403 and 408 of the Federal Rules of Evidence.

So Ordered.

Dated: New York, New York
October 19, 2022

Louis L. Stanton
LOUIS L. STANTON
U.S.D.J.